

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Joel A. KUBBY et al.

Group Art Unit: 2874

Application No.: 10/721,724

Examiner: J. RAHLL

Filed: November 24, 2003

Docket No.: 118547

For: ELECTRICAL STIMULI OF MEMS DEVICES

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the August 5, 2009 Election of Species Requirement, Applicants provisionally elects the species of the linkage teeth being the non-current carrying elements, with traverse. Applicants submit that at least claims 1-9, 11-16 and 18-20 read on the elected species. Applicants further submit that at least claims 1-8, 11-13, 15-16 and 18-20 are generic to all species.

It is also respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid

unnecessary delay and expense to Applicants and duplicative examination by the Patent
Office.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



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Date: September 22, 2009

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